ORDINANCE 182

STILLWATER TOWNSHIP
WASHINGTON COUNTY, MINNESOTA

AN ORDINANCE AMENDING THE STILLWATER TOWNSHIP ZONING ORDINANCE, CHAPTER 1, SECTION 2, DEFINITIONS AND CHAPTER 2, PART 3, CONCERNING PERFORMANCE STANDARDS FOR USES

THE BOARD OF SUPERVISORS OF THE TOWN OF STILLWATER ORDAINS:
:

SECTION 1. Stillwater Township's Zoning Ordinance, Chapter 1, Section 2 shall hereby be amended to add the following definitions:

Solar Collector: A device, structure or a part of a device or structure for which the primary purpose is to capture sunlight and transform it into thermal, mechanical, chemical or electrical energy.

Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy System (SES): A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for heating or cooling, electricity generation, or water heating.

Solar Energy System, Building-Integrated or Roof-Mounted: A solar energy system that is an integral part of a principal or accessory building, augmenting, replacing or substituting for an architectural or structural component of the building. Building integrated systems include, but are not limited to, photovoltaic or hot water solar energy systems contained within or substitute for roofing materials, windows, skylights, awnings and shade devices.

Solar Energy System, Ground-Mounted: A freestanding solar system mounted directly to the ground using a rack or pole rather than being mounted on a building.

Solar Energy System, Passive: A system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

SECTION 2. Stillwater Township's Zoning Ordinance, Chapter 2, Part 3. Sections 2.1 and 2.2 are 2.20 are hereby amended as follows, and Section 2.20 is hereby deleted and replaced with the following section:

2.1 Agricultural Business - Seasonal

(1) Required Permits. An Agricultural Business - Seasonal is a permitted use in the Agricultural District (AG.

2.2 Community Residence

(1) Required Permits. A state-licensed community residence serving 1 to 6 individuals and appropriate staff as registered under Minnesota Statutes 144D shall be a permitted use in the AG district.

2.20 Accessory Solar Energy Systems

(1) Solar Energy Systems (SES) are a permitted accessory use to residential and agricultural uses in all districts. As an accessory use, an SES is permitted to the extent that it operates primarily to provide solar energy for the primary use and the permitted accessory uses on the property on which it is located, and shall comply with the following requirements:

(2) Approvals required

(A) Building-integrated, passive solar, and roof-mounted SES are allowed as uses in all zoning districts. Building-integrated and passive solar energy systems are exempt from the size requirements of this section and shall be regulated as any other building element.

(B) One ground-mounted SES with a footprint up to a maximum eight hundred square feet (800 sq. ft.) is allowed as an accessory use in all zoning districts. A ground-mounted SES with a footprint that exceeds 800 sq. ft. may be permitted as an accessory use to an agricultural use on a parcel that is larger than 20 acres in size and shall require a conditional use permit.

(C) All SES require a building permit. A building permit application must be submitted and approved by the building official before an accessory solar energy system is installed. The information required and the procedure to be followed for all SES applications shall be the same as that required for a building permit. In addition, the applicant shall submit supplementary information pertaining to the nature of a Ground-mounted accessory solar energy system including:

1. Total square footage of the solar energy system.

2. Total energy production for the site.

3. To scale horizontal and vertical (elevation) drawings.

4. Drawings must show the location of the system on the building or on the property including the property lines and proposed screening, if required.

(E) Performance Standards

1. Standards for all SES

a. Code Compliance. All SES shall comply with the Minnesota State Building Code and Electrical Code.

b. Approved Solar Components. All SES components must have an Underwriters Laboratories, Inc. (UL) listing.

c. Solar Panel Glare. All SES shall be designed and located in order to prevent reflective glare toward any inhabited buildings on adjacent properties, as well as adjacent street rights-of-way. Steps to control nuisance glare may include selective placement of the system, screening on the side of the solar array facing the reflectors, reducing use of the reflector system, or other remedies that limit glare.

d. Utility Notification. No SES shall be installed until evidence has been given to the Township that the owner has notified the utility company of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.

e. Safety Measures. A clearly-visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations. All mechanical equipment, including any structure for batteries or storage cells, shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate, and provided with screening in accordance with the screen and landscaping provisions of this Zoning Ordinance.

f. Abandonment. If the solar energy system remains nonfunctional or inoperative for a continuous period of twelve (12) months, the system shall be deemed abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at their expense within

ninety (90) days. Removal includes the entire structure including transmission equipment, structures and foundations, and the restoration of soil and vegetation.

2. Roof-Mounted and Building-Mounted SES

   a. Roof- and Building-Mounted SES are not detached accessory structures and are excluded from the size and number limitations for accessory structures in this Development Code.

   b. Building and roof-mounted SES shall comply with the primary structure setbacks for the zoning district on which the system is located.

   c. Building and roof-mounted SES shall not exceed the maximum allowed building height in any zoning district.

   d. Roof-mounted SES shall not extend beyond the perimeter of the building on which the system is mounted or built. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building.

3. Ground-Mounted SES

   a. One ground-mounted SES with a footprint up to a maximum eight hundred square feet (800 sq. ft.) is allowed as an accessory use in all zoning districts. A ground-mounted SES with a footprint that exceeds 800 sq. ft. may be permitted as an accessory use to an agricultural use on a parcel that is larger than 20 acres in size and shall require a conditional use permit.

   b. One Ground-mounted SES is excluded from the size and number limitations for accessory structures permitted by this Zoning Ordinance.

   c. Ground-mounted SES are excluded from the lot coverage requirements of the Zoning Ordinance if the area under the SES is permanently vegetated.

   d. Ground-mounted SES shall not exceed fifteen (15) feet in height when oriented at maximum tilt.

   e. Ground-mounted SES shall comply with the required Accessory Structure setbacks in this Ordinance (Chapter 2,

Part 3, Section 1.2). If a Variance is granted to permit Ground-mounted SES in a front yard, it shall be screened from view from the public right of way and adjacent properties. Screening may be accomplished by using setbacks, berming, existing vegetation, landscaping, or a combination thereof.

SECTION 3. Effective Date. This ordinance shall be effective immediately upon its passage and publication.

Adopted by the Board of Supervisors of Stillwater Township this 9th day of August, 2018.

STILLWATER TOWNSHIP

BY: _____
David Johnson, Town Board Chair

ATTEST:

_____
Kathy Schmoeckel, Township Clerk